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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/271,581	03/18/1999	ANIL V. RAO	M-7266US	4342

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[REDACTED] EXAMINER

LANIER, BENJAMIN E

ART UNIT	PAPER NUMBER
2132	

DATE MAILED: 09/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PA

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/271,581	RAO ET AL.	
	<b>Examiner</b>	Art Unit Benjamin E Lanier	2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_ .
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-22 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 18 March 1999 is/are: a) accepted or b) objected to by the Examiner. *draftsperson*  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_ .
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |                                                                                                 |                                                                             |
|-------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ . |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ .   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 3 recites the limitation "the BIOS/DOS memory file" in claim 1. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1, 5, 8, 10, 13, 16, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Bohannon, U.S. Patent No. 6,134,324. Referring to claims 1, 8, and 16, Bohannon discloses a technique for mass distribution of software that includes a configuration file uniquely configured

for each customer containing a list of only the selected portion of software products, and contains the keys for decrypting only those software products (Abstract). The software products reside on a nonvolatile mass storage device such as a CD-ROM (Col. 1, lines 14-15).

Referring to claims 5 and 13, Bohannon discloses the customer loading the specified portions of the products from the mass storage device (Col. 2, lines 61-63).

Referring to claim 10, Bohannon discloses a computer system containing a CPU, memory, storage device, and configuration files (Fig. 1). The configuration files contain key codes that allow a customer to load their licensed products onto the computer system (Col. 5, lines 42-48). This process is done by a loader module program that is stored on the CD-ROM storage device (Col. 6, lines 44-50).

*Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bohannon, U.S. Patent No. 6,134,324, in view of Cooper, U.S. Patent No. 5,757,904. Referring to claims 6 and 14, Bohannon discloses a technique for mass distribution of software that includes a configuration file uniquely configured for each customer containing a list of only the selected portion of software products, and contains the keys for decrypting only those software products (Abstract). The software products reside on a nonvolatile mass storage device such as a

Art Unit: 2132

CD-ROM (Col. 1, lines 14-15). Bohannon does not disclose checking the authenticity of the key taken from the configuration file. Cooper discloses a method for providing distributed software where the decryption key provided by the software vendor is authenticated (Col. 15, lines 42-45). It would have been obvious to one of ordinary skill in the art at the time the invention was made to authenticate the key used in the technique for mass distribution of software of Bohannon in order to inform the user-controlled system that the key taken from the configuration file is authentic as taught in Cooper (Col. 15, lines 54-60).

8. Claims 4, 12, 20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bohannon, U.S. Patent No. 6,134,324, in view of Patterson, U.S. Patent No. 6,389,541. Referring to claims 4, 12, 20, and 22, Bohannon discloses a technique for mass distribution of software that includes a configuration file uniquely configured for each customer containing a list of only the selected portion of software products, and contains the keys for decrypting only those software products (Abstract). The software products reside on a nonvolatile mass storage device such as a CD-ROM (Col. 1, lines 14-15). Bohannon does not disclose storing the key in a registry file that is stored on a nonvolatile storage device. Patterson discloses a system to regulate access to digital content where on the Windows Operating System a registry file is used to store the unique coded key (Col. 3, lines 54-56). It would have been obvious to one of ordinary skill in the art at the time the invention was made to store the key taken from the configuration file in Bohannon in a registry file in order to lock the installed object to that particular machine as taught in Patterson (Col. 3, lines 56-63).

9. Claims 7 and 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Bohannon, U.S. Patent No. 6,134,324, in view of Pearce, U.S. Patent No. 5,694,582. Referring to claims 7

and 15, Bohannon discloses a technique for mass distribution of software that includes a configuration file uniquely configured for each customer containing a list of only the selected portion of software products, and contains the keys for decrypting only those software products (Abstract). The software products reside on a nonvolatile mass storage device such as a CD-ROM (Col. 1, lines 14-15). Bohannon does not disclose the reading and determining program being stored in a dynamic linked library. Pearce discloses an operating system that loads an executable file for execution and replaces references with addresses that are valid for usage in function calls. A dynamic link library is a module that satisfies these references by dynamic linking (Col. 5, lines 10-16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to store the program that reads the configuration file and determines the key to be stored in a dynamic linked library in order to provide runtime support code that is linked to an executable file as taught in Pearce (Col. 5, lines 3-5).

10. Claims 9 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bohannon, U.S. Patent No. 6,134,324, in view of Saxena, U.S. Patent No. 6,259,449. Referring to claims 9 and 17, Bohannon discloses a technique for mass distribution of software that includes a configuration file uniquely configured for each customer containing a list of only the selected portion of software products, and contains the keys for decrypting only those software products (Abstract). The software products reside on a nonvolatile mass storage device such as a CD-ROM (Col. 1, lines 14-15). Bohannon does not disclose storing data on a Web Page accessible to a global computer network. Saxena discloses a web server that stores data in the form of web pages and transmits these pages as Hypertext Markup Language (HTML) files over the Internet network to a host computer (Col. 3, lines 37-41). It would have been obvious to one

of ordinary skill in the art at the time the invention was made to store data from the nonvolatile storage devices in Bohannon as web pages so that the data is accessible over the Internet through a web browser as taught in Saxena (Col. 3, lines 41-46).

11. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bohannon, U.S. Patent No. 6,134,324, in view of Dollahite, U.S. Patent No. 5,748,877. Referring to claim 2, Bohannon discloses a technique for mass distribution of software that includes a configuration file uniquely configured for each customer containing a list of only the selected portion of software products, and contains the keys for decrypting only those software products (Abstract). The software products reside on a nonvolatile mass storage device such as a CD-ROM (Col. 1, lines 14-15). Bohannon does not disclose a BIOS memory file stored on a nonvolatile memory. Dollahite discloses a BIOS memory file stored on an electrically erasable programmable read-only memory (EEPROM) (Col. 3, lines 3-9), which by definition is nonvolatile. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a BIOS memory file stored on an EEPROM in the technique for mass distribution of software of Bohannon in order to save the state of the PC to a hard disk for resetting purposes as taught in Dollahite (Col. 1, line 63- Co. 2, line 5).

12. Claims 2, 11, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bohannon, U.S. Patent No. 6,134,324, in view of Charabaszcz, U.S. Patent No. 6,363,497. Referring to claims 2, 11, and 19, Bohannon discloses a technique for mass distribution of software that includes a configuration file uniquely configured for each customer containing a list of only the selected portion of software products, and contains the keys for decrypting only those software products (Abstract). The software products reside on a nonvolatile mass storage

Art Unit: 2132

device such as a CD-ROM (Col. 1, lines 14-15). Bohannon does not disclose a BIOS memory file included in the configuration file. Charabaszcz discloses a primary server that calls a backup server to read the BIOS or configuration files when the primary server goes down (Col. 12, lines 57-61). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a BIOS memory file with the configuration file of Bohannon in order to have both the BIOS file and configuration file information together for system reset purposes as taught in Charabaszcz (Col. 12, lines 61-65).

13. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bohannon, U.S. Patent No, 6,134,324, in view of Patterson, U.S. Patent No. 6,389,541 as applied to claim 20 above, and further in view of Charabaszcz, U.S. Patent No. 6,363,497. Referring to claim 21, Bohannon discloses a technique for mass distribution of software that includes a configuration file uniquely configured for each customer containing a list of only the selected portion of software products, and contains the keys for decrypting only those software products (Abstract). The software products reside on a nonvolatile mass storage device such as a CD-ROM (Col. 1, lines 14-15). Patterson discloses a system to regulate access to digital content where on the Windows Operating System a registry file is used to store the unique coded key (Col. 3, lines 54-56). Patterson does not disclose a BIOS memory file included in the configuration file. Charabaszcz discloses a primary server that calls a backup server to read the BIOS or configuration files when the primary server goes down (Col. 12, lines 57-61). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a BIOS memory file with the configuration file of Bohannon in order to have both the BIOS file and

Art Unit: 2132

configuration file information together for system reset purposes as taught in Charabaszcz (Col. 12, lines 61-65).

***Conclusion***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin E Lanier whose telephone number is (703)-305-7684. The examiner can normally be reached on M-Th from 7:30am to 5:00pm, F from 7:30am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron, can be reached on (703)-305-1830. The fax phone number for the organization where this application or proceeding is assigned is (703)-746-7239, after final (703)-746-7238, or non-official/draft (703)-746-7240.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

*Gilberto Barron*  
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